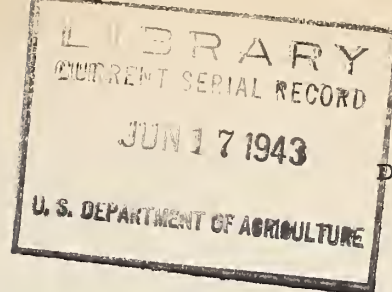


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FDO 1
DECEMBER 29, 1942

FOOD DISTRIBUTION ADMINISTRATION
UNITED STATES DEPARTMENT OF AGRICULTURE

4203

[Food Distribution Order 1]

PART 1404—BAKERY PRODUCTS

MANUFACTURE AND SALE OF BREAD AND ROLLS

Pursuant to the authority vested in me by Executive Order No. 9280, dated December 5, 1942, and to assure an adequate supply and efficient distribution of food to meet war and civilian needs, *It is hereby ordered*, as follows:

§ 1404.1 *Manufacture and sale of bread and rolls*—(a) *Definitions*. For the purposes of this order:

(1) "Baker" means any person who is engaged in the commercial manufacture of bread or rolls, excluding, however, baking at institutions, hotels, and restaurants in connection with the service of meals at such establishments.

(2) "Person" means an individual, partnership, corporation, or association.

(3) "Bread" shall include all types of bread such as white, rye, raisin, and whole wheat types.

(4) "Pan bread" means bread which is baked in a pan as distinguished from bread which is baked on the hearth, in sheets, or on screens.

(5) "Twisting" means the twisting together of two or more pieces of dough to form a loaf of bread baked in a pan: *Provided*, That it shall not include the twisting or braiding of dough for the Jewish ritual bread containing eggs which is sold under the name "Chalah" or variations of that name.

(6) "Cross-panning" means placing in a bread baking pan at right angle to its length, two or more pieces cut from dough which has passed through the bakery machine commonly known as a molder.

(7) "Braking" means the rolling of dough for bread through the power-driven rollers of the bakery machine commonly known as a dough-brake or brake.

(8) "Variety" means any different formula, type, weight, shape, or topping of bread or rolls.

(9) "Rolls" shall include plain white rolls and buns of the semi-bread dough type, such as soft rolls, hamburger, hot dogs, Parkerhouse, etc.; hard rolls, such as Vienna, Kaiser, etc., all made without fillings or icing, but shall not include yeast raised sweet rolls or sweet buns (cinnamon rolls or buns, butterfly rolls, etc.).

(10) "Enriched" means that the bread has been made from enriched flour con-

taining the ingredients in the quantities required by the regulations under the Food, Drug and Cosmetic Act, or that equivalent ingredients have been added to plain flour during the mixing of the dough.

(b) *Restrictions*. (1) No baker may perform the process of twisting, cross-panning, or doughbraking in the manufacture of any pan bread except that this restriction shall not be applicable to the baking of twin loaves.

(2) No baker shall make or sell any sliced bread except that bread weighing two pounds or more per loaf may be sliced for a period of sixty days from the effective date of the order.

(3) No baker may prepare or deliver any bread or rolls packaged in more than one thickness of wrapping material except as permitted by the provisions of subparagraph (4), and except that double thickness is permitted on the areas of closure, and where necessary in the packaging of rolls with cardboard bottoms or ends, or cardboard trays.

(4) No baker or other seller of bread shall use inserts, outserts, or end labels on any bread except that inserts and outserts may be used with unprinted wrappers where such insert or outsert provides the only label identification or required label correction, such insert or outsert not to exceed three inches in width, and except, further, that supplies of paper in the hands of bakers on the date of the issuance of this order may be used for providing inserts in connection with the wrapping of sliced loaves, to the extent that slicing is permitted under the terms of subparagraph (2) of this paragraph, until sixty days after the effective date of this order.

(5) No baker or other seller of bread or rolls, baking company, its officers, agents, employees, subsidiaries, affiliates, or any person acting for or under subsidy from any baker or baking company shall sell on consignment, or shall deliver or otherwise distribute for sale any bread or rolls and agree in any manner to accept the return, resume possession, or give refund, credit, exchange, or allowance in connection therewith.

(6) No baker shall make more varieties of bread or rolls than he made during the first week of December 1942 and, in any case, the maximum number of varieties of bread and rolls which may be made or sold by any baker during any one week shall be (a week shall begin at 12:01 a. m. Sunday):

(i) *Bread for sale to or distribution through retail stores* (not including multiple unit bakeries, restaurants, hotels, and institutions). (a) Six varieties of machine molded bread, of which not more than three shall be white pan bread;

(b) Ten varieties of hand molded bread; and

(c) Three varieties of rolls.

(ii) *Bread for sale to restaurants, hotels, and institutions*. (a) Ten varieties of bread, of which not more than three shall be white pan bread; and

(b) Nine varieties of rolls.

(iii) *Bread for direct sale to consumers*. (a) Fifteen varieties of bread, of which not more than three shall be white pan bread; and

(b) Nine varieties of rolls.

The provisions of this order shall not apply to religious ritual breads when sold for and on the occasion of the religious holidays to which they are appropriate.

(7) No baker shall procure, use, or cause to be used for his account, any new plates for printing of bread wrappers which require the use of more than two colors, or any new plates which cover more than twenty percent of the exposed area of the wrapper.

(8) No baker shall provide or furnish racks, stands, or other equipment to any person, nor shall replace racks, stands or other equipment heretofore provided or furnished.

(9) All white bread shall be enriched, shall contain not less than 3 parts nor more than 4 parts of milk solids to 100 parts of flour, and shall contain not more than 2 parts of shortening and not more than 4 parts of sugar or other related fermentable carbohydrate solids. All parts shall be determined by weight of material used.

(c) *Reports*. Bakers and other sellers of bread or rolls to whom this order applies shall execute and file with the Department of Agriculture such reports as said Department may from time to time require.

(d) *Records*. Bakers shall keep and preserve for not less than two years accurate and complete records concerning inventories, production, and sales.

(e) *Audit and inspection*. All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the Department of Agriculture.

(f) *Violations.* Any person who wilfully violates any provisions of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or accepting further deliveries of or from processing or using material under priority control and may be deprived of priorities assistance.

(g) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(h) *Delegation of authority.* The Food Distribution Administration is hereby designated as the agency within the Department to administer the provisions of this order.

(i) *Communications to Department of Agriculture.* All reports required to be filed hereunder and all communications

concerning this order, shall, unless otherwise directed, be addressed to: Director of Food Distribution, United States Department of Agriculture, Washington, D. C., Ref: FD-1.

(j) *Effective date.* This order shall become effective as of 12:01 a. m., E. W. T., January 18, 1943, except as otherwise provided herein.

(E.O. 9280, 7 F.R. 10179)

Issued this 29th day of December 1942.

[SEAL]

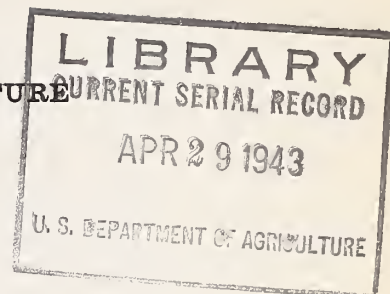
CLAUDE R. WICKARD,
Secretary of Agriculture.

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FDO 1
AMENDMENT 1
JAN. 13, 1943

FOOD DISTRIBUTION ADMINISTRATION
UNITED STATES DEPARTMENT OF AGRICULTURE



[Food Distribution Order 1, Amendment 1]

PART 1404—BAKERY PRODUCTS

MANUFACTURE AND SALE OF BREAD AND ROLLS

Pursuant to the authority vested in me by Executive Order No. 9280, dated December 5, 1942, Food Distribution Order No. 1,

Section 1404.1 (8 F.R. 11105), is amended by:

1. Striking out paragraph (a) (7);
2. Renumbering paragraphs (a) (8), (9) and (10), as paragraphs (a) (7), (8) and (9) respectively;
3. Striking out paragraph (b) (1) and inserting in lieu thereof:

(1) No baker may perform the process of twisting or cross-panning in the manufacture of any pan bread. The making of twin loaves shall not be construed as cross-panning under this restriction;

4. Inserting in paragraph (b) (2) after the words "sliced bread" the words "or rolls"; and after the words "may be sliced" the words "and sold to restaurants, hotels, institutions, or commissaries for service with meals";

5. Striking out in paragraph (b) (3) the word "double" after the words "except that" and inserting in lieu thereof the words "more than one";

6. Inserting in paragraph (b) (4) after the words "any bread" the words "or rolls";

7. Inserting in paragraph (b) (6) after the words "shall make" in the first line the words "in any one bakery"; after the words "he made" the words "in such bakery"; and after the words "any baker" the words "in or from such bakery";

8. Inserting in paragraph (b) (7) after the words "printing of bread" the words "or roll"; and

9. Striking out in paragraph (b) (9) the words "milk solids" and inserting in lieu thereof the words "solids of milk or skim milk" and adding at the end of said paragraph the following:

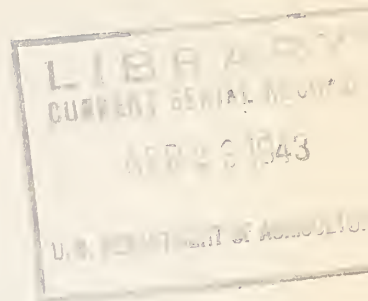
* * * *Provided*, That white bread other than pan bread may for a period of 90 days from the effective date of this order contain less than three parts of solids of milk or skim milk.

(E.O. 9280, 7 F.R. 10179)

Issued this 13th day of January 1943.

[SEAL] **CLAUDE R. WICKARD,**
Secretary of Agriculture.

733F
Exp. 2



FOOD DISTRIBUTION ADMINISTRATION
UNITED STATES DEPARTMENT OF AGRICULTURE

[Food Distribution Order 1,¹ Amendment 2]

PART 1404—BAKERY PRODUCTS

**MANUFACTURE AND SALE OF BREAD, ROLLS
AND OTHER BAKERY PRODUCTS**

Pursuant to the authority vested in me by Executive Order No. 9280, dated December 5, 1942 Food Distribution Order No. 1, § 1404.1 (7 F.R. 11105), is amended by:

(a) Inserting at the end of paragraph (a) the following:

(11) "Bakery products" mean bread, rolls, sweet rolls, cakes, pies, cookies, doughnuts, biscuits, crackers, pretzels, ice cream cones and similar products prepared by bakers.

(b) Striking out paragraph (b) (2) and inserting in lieu thereof:

(2) No person shall make or sell any loaves of sliced bread or sliced rolls except that until March 18, 1943, sliced bread weighing one pound or more per loaf, may be sold and delivered in not less than 20 pound lots to restaurants, hotels, institutions, or commissaries for service with meals.

(c) Striking out in paragraph (b) (5) the words "bread or rolls", after the words "other seller of", and after the words "for sale any", and inserting in lieu thereof in both instances the words "bakery products".

(d) Striking out paragraph (b) (7) and renumbering paragraphs (b) (8) and (b) (9) as paragraphs (b) (7) and (b) (8) respectively.

(E.O. 9280, 7 F.R. 10179)

Issued this 25th day of January 1943.

[SEAL] **CLAUDE R. WICKARD,**
Secretary of Agriculture.

¹ 7 F.R. 11105; 8 F.R. 828.

FOOD DISTRIBUTION ADMINISTRATION
UNITED STATES DEPARTMENT OF AGRICULTURE

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[FDO 1, Amendment 3]

PART 1404—BAKERY PRODUCTS

MANUFACTURE AND SALE

Pursuant to the authority vested in me by Executive Order No. 9280, dated December 5, 1942, Food Distribution Order No. 1, § 1404.1, as amended (7 F.R. 11105; 8 F.R. 828, 1177), is amended to read as follows:

§ 1404.1 *Manufacture and sale of bakery products*—(a) *Definitions*. When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent thereof:

(1) The term "baker" means any person who is engaged in the commercial manufacture of any bakery product, excluding, however, baking at institutions, hotels, and restaurants in connection with the service of meals at such establishments.

(2) The term "person" means any individual, partnership, corporation, association, or other business entity.

(3) The term "bread" shall include all types of bread such as white, rye, raisin, and whole wheat types.

(4) The term "pan bread" means bread which is baked in a pan as distinguished from bread which is baked on the hearth, in sheets, or on screens.

(5) The terms "twisting" means the twisting together of two or more pieces of dough to form a loaf of bread baked in a pan; *Provided*, That it shall not include the twisting or braiding of dough for the Jewish ritual bread containing eggs which is sold under the name "Chalah" or variations of that name.

(6) The term "cross-panning" means placing in a bread baking pan at right angle to its length, two or more pieces cut from dough which has passed through the bakery machine commonly known as a molder.

(7) The term "variety" means any different formula, type, weight, shape, or topping of bread or rolls.

(8) The term "rolls" shall include plain white rolls and buns of the semi-bread dough type, such as soft rolls, hamburger, hot dogs, Parkerhouse, etc.; hard rolls, such as Vienna, Kaiser, etc., all made without fillings or icing, but shall not include yeast raised sweet rolls or sweet buns (cinnamon rolls or buns, butterfly rolls, etc.).

(9) The term "enriched" means that the bread has been made from enriched flour containing the ingredients in the

quantities required by the regulations under the Food, Drug and Cosmetic Act, or that equivalent ingredients have been added to plain flour during the mixing of the dough.

(10) The term "bakery products" mean bread, rolls, sweet rolls, cakes, pies, cookies, doughnuts, biscuits, crackers, pretzels, ice cream cones and similar products prepared by bakers.

(11) The term "Director" means the Director of Food Distribution, United States Department of Agriculture or any employee of the United States Department of Agriculture designated by such Director.

(b) *Restrictions*. (1) No baker may perform the process of twisting or cross-panning in the manufacture of any pan bread. The making of twin loaves shall not be construed as cross-panning under this restriction.

(2) No baker may prepare or deliver any bread or rolls packaged in more than one thickness of wrapping material except as permitted by the provisions of paragraph (3), and except that more than one thickness is permitted on the areas of closure, and where necessary in the packaging of rolls with cardboard bottoms or ends, or cardboard trays.

(3) No baker or other seller of bread or rolls shall use inserts, outserts, or end labels on any bread except that one insert, one outsert, or one end label may be used where such insert, outsert, or end label provides the only label identification or provides a required label correction, such insert, outsert, or end label not to exceed three inches in width.

(4) No baker or other seller of bakery products, baking company, its officers, agents, employees, subsidiaries, affiliates, or any person acting for or under subsidy from any baker or baking company shall sell on consignment, or shall deliver or otherwise distribute for sale any bakery products and agree in any manner to accept return, resume possession, or give refund, credit, exchange, or allowance in connection therewith.

(5) No baker shall make in any one bakery more varieties of bread or rolls than he made in such bakery during the first week of December 1942 and, in any case, the maximum number of varieties of bread and rolls which may be made or sold by any baker in or from such bakery during any one week shall be (a week shall begin at 12:01 a. m. Sunday):

(i) Bread and rolls for sale to or distribution through retail stores including

chain grocery stores (not including restaurants, hotels, institutions, or bakeries operated by bakers who own or control retail outlets and whose primary business is the making and selling of bakery products direct to consumers).

(a) Six varieties of machine molded bread, of which not more than three shall be white pan bread;

(b) Ten varieties of hand molded bread; and

(c) Three varieties of rolls.

(ii) Bread and rolls for sale to restaurants, hotels and institutions.

(a) Ten varieties of bread, of which not more than three shall be white pan bread; and

(b) Nine varieties of rolls.

(iii) Bread and rolls for direct sale to consumers.

(a) Fifteen varieties of bread, of which not more than three shall be white pan bread; and

(b) Nine varieties of rolls.

The provisions of (b) (5) of this order shall not apply to religious ritual breads when sold for and on the occasion of the religious holidays to which they are appropriate.

(6) No baker shall provide or furnish racks, stands, or other equipment to any person, nor shall replace racks, stands or other equipment heretofore provided or furnished.

(7) All white bread shall be enriched, shall contain not less than 3 parts nor more than 4 parts of solids of milk or skim milk to 100 parts of flour, and shall contain not more than 2 parts of shortening and not more than 4 parts of sugar or other related fermentable carbohydrate solids. All parts shall be determined by weight of material used: *Provided*, That white bread other than pan bread may for a period of 90 days from the effective date of this order contain less than 3 parts of solids of milk or skim milk.

(c) *Reports*. Bakers and other sellers of bread or rolls to whom this order applies shall execute and file such reports upon such forms as the Director may request or direct, and within such time as he may prescribe, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(d) *Records*. Bakers shall keep and preserve for not less than two years accurate records concerning all purchases and sales of baking ingredients and bakery products as well as of production (this record keeping requirement has

been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942)

(e) *Audit and inspection.* Every person subject to this order shall upon request permit inspection at all reasonable times of his stocks of bakery products and the premises used in his business, and all his books, records and accounts shall upon request be submitted to audit and inspection by the Director.

(f) *Violations.* Any person who willfully violates any provision of this order or who by any act or omission falsifies records to be kept or information to be furnished pursuant to this order or willfully conceals a material fact concerning a matter within the jurisdiction of any Department or agency of the United States may be prohibited from receiving or making further deliveries of any ma-

terial subject to allocation; and such further action may be taken against him as the Director deems appropriate, including recommendations for prosecution under section 35a of the Criminal Code (18 U.S.C. 1940 ed. 80), under paragraph 5 of section 301 of Title III of the Second War Powers Act, and under any and all other applicable laws.

(g) *Petition for relief from hardship.* Any person affected by this order who considers that compliance herewith would work an exceptional and unreasonable hardship on him may petition in writing (in triplicate) for relief to the Director, setting forth all pertinent facts and the nature of the relief sought. The Director may thereupon take such action as he deems appropriate, and such action shall be final.

(h) *Delegation of authority.* The Director is hereby designated and empowered to administer the provisions of this order.

(i) *Communications to Department of Agriculture.* All reports required to be filed hereunder and all communications concerning this order, shall unless otherwise directed, be addressed to: Director of Food Distribution, United States Department of Agriculture, Washington, D. C. Ref.: FD-1.

(j) *Effective date.* This order shall become effective on the date of its issuance.

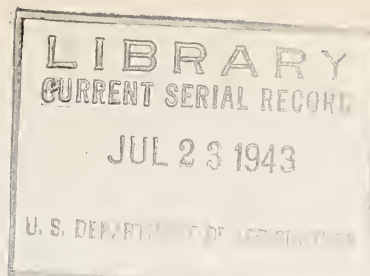
(E.O. 9280, 7 F.R. 10179)

Issued this 6th day of March 1943.

[SEAL]

CLAUDE R. WICKARD,
Secretary of Agriculture.

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FDO 1
AMDT. 4
JUNE 17, 1943
Corrected Copy

WAR FOOD ADMINISTRATION

(Corrected Copy)

PART 1404—BAKERY PRODUCTS

[FDO 1, Amdt. 4]

BREAD AND ROLLS

Food Distribution Order No. 1, issued by the Secretary of Agriculture December 29, 1942, as amended March 6, 1943 (8 F.R. 2913) is amended to read as follows:

§ 1404.1 *Manufacture and sale of bakery products*—(a) *Definitions*. When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent thereof:

(1) The term “baker” means any person who is engaged in the commercial manufacture of any bakery product excluding, however, baking at institutions, hotels, and restaurants in connection with the service of meals at such establishments.

(2) The term “person” means any individual, partnership, corporation, association, or other business entity.

(3) The term “bread” shall include all types of bread such as white, rye, raisin, and whole wheat types.

(4) The term “pan bread” means bread which is baked in a pan as distinguished from bread which is baked on the hearth, in sheets, or on screens.

(5) The term “twisting” means the twisting together of two or more pieces of dough to form a loaf of bread baked in a pan: *Provided*, That it shall not include the twisting or braiding of dough for the Jewish ritual bread containing eggs which is sold under the name “Chalah” or variations of that name.

(6) The term “cross-panning” means placing in a bread baking pan at right angle to its length, two or more pieces cut from dough which has passed through the bakery machine commonly known as a molder.

(7) The term “variety”, with respect to bread and rolls, means bread or rolls of a particular type, weight, shape, or topping, or produced in accordance with a particular formula. Any difference in formula, type, weight, shape, or topping shall be sufficient to constitute a variety. In addition thereto, unsliced bread and sliced bread shall be considered as separate varieties, even though the formula, shape, type, or topping is otherwise the same. A difference in the thickness of the slice in sliced bread shall also be sufficient to constitute a separate variety.

(8) The term “rolls” shall include plain white rolls and buns of the semi-bread dough type, such as soft rolls, hamburger, hot dogs, Parkerhouse, etc.; hard rolls, such as Vienna, Kaiser, etc., all made without fillings or icing, but shall not include yeast raised sweet rolls or sweet buns (cinnamon rolls or buns, butterfly rolls, etc.)

(9) The term “enriched” means that the bread has been made from enriched flour containing the ingredients in the quantities required by the regulations under the Food Drug and Cosmetic Act, or that equivalent ingredients have been added to plain flour during the mixing of the dough.

(10) The term “bakery products” means bread, rolls, sweet rolls, cakes, pies, cookies, doughnuts, biscuits, crackers, pretzels, ice cream cones and similar products prepared by bakers.

(11) The term “Director” means the Director of Food Distribution, War Food Administration, United States Department of Agriculture, or any employee of the United States Department of Agriculture designated by such Director.

(12) The term “federal institution” means any institution, agency, or establishment which uses bakery products and which is owned or controlled by the United States Government or any agency or instrumentality thereof.

(13) The term “state institution” means any institution, agency, or establishment which uses bakery products and which is owned or controlled by any State.

(14) The term “county institution” means any institution, agency, or establishment which uses bakery products and which is owned or controlled by any county or parish.

(15) The term “municipal institution” means any institution, agency, or establishment which uses bakery products and which is owned or controlled by any municipality.

(16) The term “governmental agency” means:

(i) The Army, Navy, Marine Corps, or Coast Guard of the United States, including any person who, pursuant to a written contract with an agency of the United States, in feeding personnel of the Army, Navy, Marine Corps, or Coast Guard, under the command of a commissioned or non-commissioned officer or other authorized representative of the Army, Navy, Marine Corps, or Coast

Guard, and who is specifically authorized by the said Army, Navy, Marine Corps, or Coast Guard to purchase bakery products for their use;

(ii) The Food Distribution Administration, War Food Administration (including but not restricted to the Federal Surplus Commodities Corporation);

(iii) The War Shipping Administration;

(iv) The Veterans' Administration; and

(v) Any other instrumentality or agency designated by the War Food Administrator.

(b) *Restrictions*. (1) No baker may perform the process of twisting or cross-panning in the manufacture of any pan bread. The making of twin loaves shall not be construed as cross-panning under this restriction.

(2) No baker shall prepare or deliver any bread or rolls packaged in more than one thickness of wrapping material except as follows:

(i) More than one thickness to the extent required for proper sealing, including end seals or labels, may be used on the areas of closure, or where necessary in the packaging of rolls with cardboard bottoms or ends, or cardboard trays; and

(ii) Inner wraps of lightweight wax paper may be used to partially cover loaves of bread baked in pans having a top inside length of 13 inches or more; and

(iii) Outserts and inserts may be used as provided in paragraph (b) (3) hereof.

(3) No baker or other seller of bread or rolls shall use inserts or outserts on any bread except that one insert and one outsert may be used where such insert or outsert provides the only label identification or provides a required label correction. No insert or outsert permitted to be used under the terms of this paragraph (b) (3) shall exceed 3 inches in width.

(4) No baker or other seller of bakery products, baking company, its officers, agents, employees, subsidiaries, affiliates, or any person acting for or under subsidy from any baker or baking company, shall deliver bakery products on consignment, to any other person, or in any manner accept the return, or resume possession of the bakery products sold to any other person, or give a refund, credit, exchange, or allowance in connection with such re-

turn or resumption of possession; nor shall any baker or seller of bakery products give, or purchaser thereof receive, any credit or allowance in connection with any stale bakery products; and no person who sells bakery products shall return any bakery products to any person from whom he has bought such products, or accept a refund credit, exchange or allowance for such return.

(5) No baker shall make in any one bakery more varieties of bread or rolls than he made in such bakery during the first week of December 1942, and, in any case, the maximum number of varieties of bread and rolls which may be made or sold by any baker in or from such bakery during any one week shall be (a week shall begin at 12:01 a. m. Sunday):

(i) Bread and rolls for sale to or distribution through retail stores including chain grocery stores (not including restaurants, hotels, private institutions, or bakeries operated by bakers who own or control retail outlets and whose primary business is the making and selling of bakery products direct to consumers);

(a) Six varieties of machine molded bread, of which not more than three shall be white pan bread;

(b) Ten varieties of hand molded bread; and

(c) Three varieties of rolls.

(ii) Bread and rolls for sale to restaurants, hotels and private institutions;

(a) Ten varieties of bread, of which not more than three shall be white pan bread; and

(b) Nine varieties of rolls.

(iii) Bread and rolls for direct sale to consumers;

(a) Fifteen varieties of bread, of which not more than three shall be white pan bread; and

(b) Nine varieties of rolls.

(iv) All varieties of bread and rolls produced by a baker for sale to the classes of persons named in (b) (5) (i), (ii) and (iii) hereof may be also sold to governmental agencies and Federal, State, county and municipal institutions.

(6) No baker shall provide or furnish racks, stands or other equipment to any person, or replace, repair, alter or maintain any such equipment heretofore furnished to or belonging to any other person.

(7) All white bread shall:

(i) Be enriched;

(ii) Contain not more than 4 parts of solids of milk or skim milk to 100 parts of flour;

(iii) Contain not more than 6 parts of cane sugar, beet sugar, corn sugar or other related fermentable carbohydrate solids to 100 parts of flour; and

(iv) Contain not more than 3 parts of shortening, lard, or other fats or oils to 100 parts of flour: *Provided, however*, That any fat or oil in shortening extenders, substitutes, or any other ingredient used in bakery products shall be considered as part of the amount of shortening permitted.

For the purposes of paragraph (b) (7) all proportions shall be determined by weight.

(8) No baker or other seller of bakery products shall make or offer to make a gift, directly or indirectly, of any sample of bakery products to any purchaser of bakery products.

(c) *Records and reports.* The Director shall be entitled to obtain such information from, and require such reports and the keeping of such records by, any person, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942. Bakers shall keep and preserve for not less than two years accurate records concerning all purchases and sales of baking ingredients and bakery products as well as of production (this record-keeping requirement has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942).

(d) *Audits and inspections.* The Director shall be entitled to make such audit or inspection of the books, records and other writings, premises or stocks of bakery products of any person, and to make such investigations, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order.

(e) *Territorial extent.* This order applies to all persons in the forty eight States of the United States, its territories and possessions, and the District of Columbia.

(f) *Petition for relief from hardship.* Any person affected by this order who considers that compliance herewith would work an exceptional and unreasonable hardship on him may apply in

writing for relief to the Director, setting forth in such petition all pertinent facts and the nature of the relief sought. The Director may thereupon take such action as he deems appropriate, which action shall be final.

(g) *Violations.* The War Food Administrator may, by suspension order, prohibit any person who violates any provision of this order from receiving, making any deliveries of, or using bakery products, or any other material subject to priority or allocation control by the War Food Administrator, and may recommend that any such person be prohibited from receiving, making any deliveries of, or using material subject to the priority or allocation control of other governmental agencies. In addition, any person who wilfully violates any provision of this order is guilty of a crime and may be prosecuted under any and all applicable laws. Further, civil action may be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this order.

(h) *Delegation of authority.* The administration of this order and the powers vested in the War Food Administrator, insofar as such powers relate to the administration of this order, are hereby delegated to the Director.

(i) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless instructions to the contrary are issued by the Director, be addressed to the War Food Administrator, War Food Administration, United States Department of Agriculture, Washington, D. C., Ref. FD-1.

(j) *Effective date.* This order shall become effective 12:01 a. m., e. w. t., July 1, 1943.

With respect to violations of said Food Distribution Order No. 1, as amended, rights accrued, or liabilities incurred prior to the effective date of this amendment, Food Distribution Order No. 1, as amended, shall be deemed to be in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423)

Issued this 17th day of June 1943.

JESSE W. TAPP,
Acting War Food Administrator.

Press Release Immediate:
Friday, June 18, 1943.

Revisions which tighten restrictions against "consignment selling" of bakery products, remove minimum milk requirements in white pan bread formulas, set higher maximums for sugars and shortening, and otherwise change the bakery industry food order, were announced today by the War Food Administration.

Amendment No. 4 to Food Distribution Order No. 1, effective July 1, changes the order's major provision which prohibits "consignment selling" of bakery products. The change makes the grocer or dealer equally responsible with the baker for any illegal continuation of this practice of accepting the return of bread unsold by the retailer. The practice normally common to the baking industry, was prohibited by the original

order because it often resulted in the diversion of a human food to livestock feed or resulted in actual waste.

Under the revised white bread formula provisions, bakers may use greater quantities of sugars or other fermentable carbohydrates or may increase the use of shortening, as the amendments increase the sugar maximum to 6 parts of sugar instead of 4, and the shortening maximum to 3 parts instead of 2. It re-

quires, however, that fats and oils in the shortening extenders, substitutes or other ingredients used, be considered a part of the maximum shortening allowed.

Enrichment of all white bread is still required. The amendment, however, removes the provision under which bakers were required to use a minimum of 3 parts of milk solids or skim milk in each 100 parts of flour in white pan bread formulas. It retains the maximum which requires that no more than 4 parts be used. The minimum requirement was removed to enable commercial bakers to use milk solids or skim milk in the quantities now available to them under wartime conditions. Dry skim milk, normally used in most bread formulas, recently has not been available

in quantities sufficient to meet the minimum requirements of the order.

Greater utilization of existing baking equipment is being sought through revisions which permit bakers to sell to Federal, State, county, or municipal institutions any of the types of bread to which manufacture is limited by the order. Under the previous provisions, sales of 3 restaurant types of white pan bread were restricted to institutions, restaurants, hotels, or to bakeries selling direct to the consumer, while the sale of 3 consumer types of white pan bread was restricted to retail stores, including chain grocery stores. The amendment permits bakers to sell any of these varieties of bread without restriction to Federal, State, county or municipal institutions, but does not remove the restrictions as they concern retail stores,

restaurants, hotels or retail bakeries. The amendment also requires that bakers who sell bread regularly sliced, sliced in special thickness, or unsliced, must consider each as a separate "variety".

Restrictions concerning bread wrappings have been modified to permit the use of a lightweight inner wrapping of wax paper for loaves baked in pans at least 13 inches long. The modification also permits the use of end labels. Inserts and outserts may be used if they provide necessary identification or correction of labeling and are not more than 3 inches wide.

A provision added to the order through amendment prohibits bakers from giving away samples of their products.

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WAR FOOD ADMINISTRATION
Food Distribution Administration
Washington 25, D. C.

July 1943

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U. S. DEPARTMENT OF AGRICULTURE

BAKERY PRODUCTS

Food Distribution Order No. 1

(Questions and Answers)

(Supplement to Q. & A. on FDO No. 1, issued in January and June 1943)

This statement prepared for general distribution is intended to supply the answers to some questions raised by the public generally. For additional information, write to one of the regional offices located at Atlanta, Ga.; Chicago, Ill.; Dallas, Tex.; Denver, Colo.; Des Moines, Iowa; New York, N. Y.; and San Francisco, Calif.

1.Q-Is it permissible to give 1 or 2 slices of bread to housewives by door to door delivery?

A-It is not permissible to give bakery products away in any quantity other than to the type of institution referred to in the answer to question 6.

2.Q-Is it permissible for a demonstrator to give customers in a grocery store 1 or 2 slices of bread?

A-Gifts of bakery products by demonstrators to customers of any store are prohibited.

3.Q-Can a baker obtain a list of customers from a grocer, send each customer a letter asking them to try "X" brand of bread, and enclose a coupon entitling them to a sample of such bread?

A-The order prohibits gifts directly or indirectly; therefore, this practice cannot be followed...

4.Q-Can a gift of bakery products be made to visitors at the bakery plant?

A-The place of making the gift is immaterial; all such gifts of bakery products are prohibited.

5.Q-Can a specially wrapped sample of a new product be given to a grocer for him to try so that he can better inform his customers regarding its qualities?

A-No.

6. Q-Can donations of bakery products be made to institutions?

A-It was not the intention to restrict the donation of bakery products to charitable institutions that are dependent upon donations for their supply of bakery products. Donations of these products must be limited entirely to such charitable institutions, and cannot be made to institutions that purchase bakery products.

7. Q-Are bread crumbs considered bakery products and is so is the gift of a sample of bread crumbs prohibited?

A-Bread crumbs are bakery products; therefore, the gift of bread crumbs is prohibited under the same conditions as for other bakery products.

8. Q-Is the fat or oil naturally present in wheat, rye, soya or corn flours, cornstarch, eggs, milk, cream, and yeast to be calculated in arriving at the amount of shortening permitted by Food Distribution Order No. 1?

A-The fat or oil naturally present in wheat, rye, low fat soya and corn flours, cornstarch, eggs, skimmed milk, and yeast is not to be considered as part of the shortening that must be calculated in determining whether the amount used is within the restriction. However, the amount of fat or oil in high fat soya flour that would normally be extracted in processing (approximately 15 percent of the total weight of the flour) shall be calculated as part of the fat permitted. The amount of butter fat in cream and whole milk similarly is to be calculated as part of the fat permitted.

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FOOD DISTRIBUTION ADMINISTRATION REGIONAL ORGANIZATION

NORTHEAST: Maine, N. H., Vt., Mass., R. I., Conn., N. Y., Pa., N. J., Del.,
Md., D. C., and W. Va.

Regional office: 150 Broadway, New York, N. Y.

SOUTHERN: Va., N. C., S. C., Ky., Tenn., Miss., Ala., Ga., and Fla.

Regional office: Western Union Bldg., Atlanta, Ga.

GREAT LAKES: Ohio, Ind., Ill., Wis., and Mich.

Regional office: 5 Wabash Ave., Chicago, Ill.

MIDWEST: N. Dak., S. Dak., Nebr., Kans., Mo., Iowa, and Minn.

Regional office: Old Colony Bldg. Des Moines, Iowa.

SOUTHWEST: Ark., La., Okla., and Tex.

Regional office: 425 Wilson Bldg., Dallas, Tex.

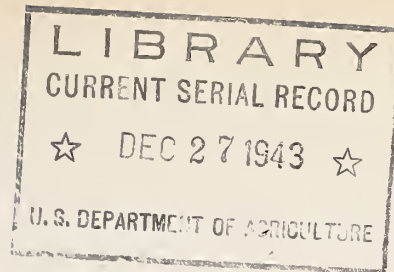
ROCKY MOUNTAIN: Mont., Idaho., Wyo., Utah, Colo., and N. Mex.

Regional office: Burns Vault Bldg., 1536 Welton St., Denver.

PACIFIC: Wash., Oreg., Calif., Nev., and Ariz.

Regional office: 821 Market Street, San Francisco, Calif.

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FDO 1
AMDT. 5
DEC. 11, 1943

WAR FOOD ADMINISTRATION

[FDO 1, Amdt. 5]

PART 1404—BAKERY PRODUCTS

MANUFACTURE AND DISTRIBUTION OF BAKERY PRODUCTS

Food Distribution Order No. 1, issued by the Secretary of Agriculture on December 29, 1942, as amended (8 F.R. 8387), is further amended to read as follows:

§ 1404.1 *Restrictions on the manufacture and distribution of bakery products—(a) Definitions.* (1) "Bakery products" means bread, rolls, sweet rolls, cakes, pies, cookies, doughnuts, biscuits, crackers, pretzels, ice cream cones, and similar products prepared by bakers.

(2) "Baker" means any person who is engaged in the commercial manufacture of any bakery product, excluding baking at institutions, hotels, and restaurants in connection with the service of meals at such establishments.

(3) "Bread" means any type of bread, and includes white, rye, whole wheat, raisin, combinations, and similar baked products.

(4) "Rolls" includes plain white rolls and buns of the semi-bread dough type, such as soft rolls, hamburger, hot dog, Parker House, etc., hard rolls, such as Vienna, Kaiser, etc., all made without fillings or icing, but shall not include yeast-raised sweet rolls or sweet buns, cinnamon rolls or buns, butterfly rolls, etc.

(5) "Variety" with respect to bread and rolls, means bread or rolls of a particular formula, type, weight, shape, or topping. Any difference in formula, type, weight, shape, or topping shall be sufficient to constitute a separate variety. Sliced or unsliced bread or rolls, or any difference in thickness of slices, shall not be considered as separate varieties.

(6) "Enriched" means made from enriched flour which contains the ingredients in the quantities required by the regulations promulgated under the Food, Drug and Cosmetic Act, or that equivalent ingredients have been added to plain flour during the mixing of the dough.

(7) "Twisting" means the twisting together of two or more pieces of dough to form a loaf baked in a pan, except the twisting or braiding of dough for the Jewish ritual bread containing eggs which is sold under the name "Chalah" or variations of that name.

(8) "Cross panning" means placing in a bread baking pan at right angle to its length, two or more pieces cut from dough which has passed through the bakery machine commonly known as a molder.

(9) "Person" means any individual, partnership, association, business trust, corporation, or any organized group of persons whether incorporated or not.

(10) "Director" means the Director of Food Distribution, War Food Administration.

(b) *Varieties.* No baker shall, unless specifically authorized by the Director, make or sell in or from any one bakery, during any week beginning at 12:01 a. m. Sunday, more than: (1) 20 varieties of bread, or (2) 12 varieties of rolls.

(c) *Ingredients.* (1) No baker shall make or sell any bread baked from dough which contains more than:

(i) 4 parts by weight of solids of milk or skim milk to 100 parts of flour;

(ii) 6 parts by weight of cane sugar, beet sugar, corn sugar, or other similar fermentable carbohydrate solids (except as may be present in any fruit used) to 100 parts of flour; or

(iii) 3 parts by weight of shortening, lard, or other fats or oils (including fats or oils which have been added to any other ingredient) to 100 parts of flour.

(2) No person shall sell any imported bread baked from dough which contains any ingredient listed under (c) (1) hereof in excess of the applicable quantity therein specified.

(d) *Enrichment.* (1) No baker shall make or sell any yeast-raised bakery product (except biscuits and crackers), or any doughnuts, crullers, or fried cakes, unless enriched to the extent that white flour is used as an ingredient.

(2) No person shall sell any imported yeast-raised bakery product (except biscuits and crackers), or any imported doughnuts, crullers, or fried cakes, unless enriched to the extent that white flour is used as an ingredient.

(e) *Twisting or cross panning.* No baker shall perform the process of twisting or cross panning in the manufacture of any pan bread. The making of twin loaves shall not be construed as cross panning.

(f) *Packaging.* No baker shall prepare or deliver any bread or rolls packaged in more than one thickness of wrapping material, or use inserts or out-

(1) More than one thickness, to the extent required for proper sealing, including end seals or labels, may be used on the area of closure, or where necessary in the packaging of rolls with cardboard bottoms, or ends, or cardboard trays;

(2) Inner wraps of lightweight wax paper may be used partially to cover loaves of bread baked in pans having a top inside length of 13 inches or more; and

(3) One insert or one outsert, not exceeding three inches in width, may be used where the same provides the only label identification or a required label correction.

(g) *Consignment, returns, credits, discounts.* No baker, or other seller or distributor of bakery products, his agents or employees, shall deliver bakery products on consignment or otherwise than pursuant to a bonafide sale of such products; or give any refund, credit, exchange, discount, gift, or allowance, for or in connection with the sale or delivery of bakery products; or resume possession or accept the return of any bakery product. No purchaser of bakery products shall accept delivery of such products on consignment or otherwise than pursuant to a bona fide sale of such products; or return any bakery product to any seller thereof; or accept any refund, credit, exchange, discount, gift, or allowance for or in connection with the purchase or delivery of bakery products. This paragraph (g) shall not be construed to prohibit such discounts as are based upon quantities, cash payment, or reasonable customer classification, and which are openly published and equally available to all who fall within their terms.

(h) *Gifts, samples.* No baker or other seller of bakery products shall, directly or indirectly, give or offer to give any bakery product, or portion or sample thereof, to any person except charitable institutions.

(i) *Equipment.* No baker, or other seller or distributor of bakery products, his agents or employees, shall provide or furnish, by gift, sale, loan or otherwise, racks, stands, or other equipment of any kind or character to any purchaser of bakery products, or replace, repair, alter, or maintain any equipment previously furnished to or belonging to any such purchaser. This prohibition shall not apply to (1) cardboard counter display

stands not larger than 24 x 18 x 18 inches, (2) small individual covers for containers which are required by law or ordinance, and (3) such other items as may be designated by the Director.

(j) *Records and reports.* (1) The Director shall be entitled to obtain such information from, and require such reports and the keeping of such records by, any person, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order.

(2) Every baker subject to this order shall, for at least two years (or for such period of time as the Director may designate), maintain an accurate record of his production of bakery products, and of his purchases and sales of baking ingredients and bakery products.

(3) The record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Subsequent record keeping or reporting requirements will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(k) *Audits and inspections.* The Director shall be entitled to make such audit or inspection of the books, records, and other writings, premises or stocks of bakery products, ingredients, materials and supplies, or any person, and to make such investigations as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order.

(l) *Petition for relief from hardship.* Any person affected by this order who considers that compliance herewith

would work an exceptional or unreasonable hardship on him may file a petition for relief with the Order Administrator. Such petition shall be addressed to Order Administrator, Food Distribution Order No. 1, Grain Products Branch, Food Distribution Administration, War Food Administration, Washington 25, D. C. Petitions shall be in writing and shall set forth all pertinent facts and the nature of the relief sought. If such person is dissatisfied with the action taken on such petition by the Order Administrator, he may, by request addressed to the Order Administrator, obtain a review of such action by the Director. After said review, the Director may take such action as he deems appropriate, which action shall be final.

(m) *Violations.* In accordance with the procedure established for that purpose, the War Food Administrator may, by suspension order, prohibit any person who violates any provision of this order from receiving, making any deliveries of, or using any material subject to priority or allocation control by the War Food Administrator, and may recommend that any such person be prohibited from receiving, making any deliveries of, or using material subject to the priority or allocation control of other governmental agencies. Any person who willfully violates any provision of this order is guilty of a crime and may be prosecuted under any and all applicable laws. Civil action may also be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this order.

(n) *Delegation of authority.* The administration of this order, and the pow-

ers vested in the War Food Administrator, insofar as such powers relate to the administration of this order, are hereby delegated to the Director. The Director is authorized to redelegate to any person within the War Food Administration any or all of the authority vested in him by this order.

(o) *Territorial scope.* The provisions of this order shall apply within the 48 States and the District of Columbia.

(p) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall be addressed to Order Administrator, Food Distribution Order No. 1, Grain Products Branch, Food Distribution Administration, War Food Administration, Washington 25, D. C., Ref: FD 1.

(q) *Effective date.* This order shall become effective at 12:01 a. m., c. w. t., January 16, 1944.

With respect to violations, rights accrued, liabilities incurred, or appeals taken under Food Distribution Order No. 1, as amended, prior to the effective date of this amendment, all provisions of Food Distribution Order No. 1, as amended, in effect prior to this amendment shall be deemed in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783)

Issued this 11th day of December 1943.

MARVIN JONES,
War Food Administrator.

War Food Administration, Summary to FDO-1 Amendment 5.

More flexible operation of the Nation's baking industry has been made possible by the War Food Administration in steps taken to simplify the bakery products order.

Major changes—effective January 16, 1944 under Amendment 5 to Food Distribution Order 1—include:

(1) Tightening of the provision prohibiting consignments, returns, credits and discounts,

(2) Simplification of variety restrictions and ingredient provisions applicable to sugar and shortening, and

(3) Extension of enrichment and ingredient provisions.

Under the amendment the provision concerning consignment selling now prohibits any purchaser from returning bakery products to bakers, sellers or distributors of bakery products, or their agents, for any reason. The seller is prohibited from giving, and the purchaser from accepting, a discount, refund, credit, exchange, allowance, or gift, in transactions involving the sale or delivery of bakery products. This provision is a conservation measure intended to conserve food products for human con-

sumption, which under the old practice of consignment selling were being diverted to other uses.

The prohibition of discounts is not intended to abolish legitimate discounts based on quantity purchases, cash payments, or customer classification provided such discounts are made known to all customers and are available to all who qualify.

This amendment provides for the enrichment of all yeast-raised products and all doughnuts, crullers, and fried cakes to the extent that white flour is used. The sale of imported products of this type, unless enriched, is prohibited. Biscuits and crackers that may be yeast-raised are not subject to this provision.

Changes affecting the number of varieties of bread that may be made by commercial bakers include the removal of the distinction between pan and hearth bread and between hand-molded and machine-molded bread. As amended, the order limits the total number of varieties of bread that a bakery may make, but places no restrictions as to the manner in which they are made. Previously bakers were permitted to make only 3 varieties of white pan bread out of a total number ranging from 10 to 15, depend-

ing upon how the individual baker was classified. Bakers are no longer restricted to the total number of varieties they made during the first week of December 1942. Sliced and unsliced bread are no longer considered separate varieties. Any of the varieties permitted to be made may be sold to all buyers. Bakers are permitted to give any of the products they make under the order to charitable institutions, but are prohibited from making gifts to any other institution or person.

The changes made by the amendment permit any one bakery to make only 20 varieties of bread and 12 varieties of rolls except pursuant to specific authorization. The changes, effective January 16, give all bakers time to anticipate any hardship and to file petitions for relief with the Food Distribution Administration. Any petition should be filed as soon as possible after the issuance of the order so that a decision may be made prior to January 16, 1944, its effective date. In making a petition for additional varieties the baker should state the different classes of outlets he serves, the need for relief based on operating experience since January 18, 1943, and a list of the highest number of varieties he made in.

any one week during the period from September 1 to December 1, 1943. He should also state the number of varieties for which he is petitioning under the provisions of Amendment 5.

All variety restrictions pertain to the number of varieties that may be made in any one bakery in any one week, beginning on Sunday at 12:01 a. m.

These ingredient provisions have been extended to include the sale of all imported bread. Changes in the provisions concerning ingredients do not affect the

restrictions with respect to the quantities of milk, sugar, and shortening a baker may use. The provision no longer requires that the fat content of whole milk or high fat soya flour be counted as a part of the fat content used. However, fats or oils present in shortening substitutes or extenders, or added to any other ingredient must be included in the calculation of the fat content of the formula. Sugar naturally present in raisins or other fruits used in bread need not be considered. However, sugar

present in sweetened condensed milk must be considered as part of the quantity allowed.

Restrictions pertaining to furnishing racks, stands, and other equipment remain in effect except that a baker may provide his customers with cardboard counter display stands no larger than 24 x 18 x 18 inches, small container covers required by law or ordinance, and such other items as may be designated by the Director of the Food Distribution Administration



WAR FOOD ADMINISTRATION

A
[FDO 1, Amdt. 6]

PART 1404—BAKERY PRODUCTS

MANUFACTURE AND DISTRIBUTION OF BAKERY PRODUCTS

Food Distribution Order No. 1, as amended (8 F.R. 16777), § 1404.1, issued by the Secretary of Agriculture on December 29, 1942, is further amended by deleting the period at the end of (d) (1) and substituting, in lieu thereof, the following:

Provided, however, That until May 1, 1944, this requirement shall apply only to white bread.

This order shall become effective at 12:01 a. m., e. w. t., January 16, 1944.

With respect to violations, rights accrued, liabilities incurred, or appeals taken under Food Distribution Order No. 1, as amended, prior to the effective date of this amendment, all provisions of Food Distribution Order No. 1, as amended, in effect prior to this amendment shall be

deemed in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783)

Issued this 13th day of January 1944.

ASHLEY SELLERS,
Assistant War Food Administrator.

War Food Administration, Summary to FDO-1 Amendment 6.

The effective date of the enrichment of bakery products other than white bread has been postponed until May 1, 1944, the War Food Administration announced.

The postponement was made in the form of Amendment 6 to FDO-1. Amendment 5, effective January 16, provided for enrichment of all yeast-raised products

(except biscuits and crackers) and for enrichment of all doughnuts, to the extent that white flour is used. No other provisions of Amendment 5 except enrichment are affected by Amendment 6.

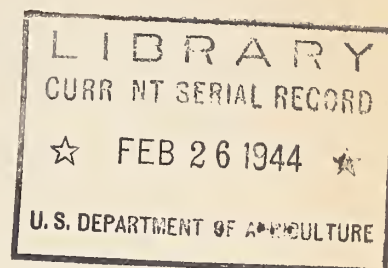
On May 1, when the niacin supplies are expected to be adequate, enrichment will be extended to the products included in enrichment requirements of Amendment 5.

Manufacturers of niacin, one of the vitamins used in the enrichment program, have had difficulty in obtaining sufficient supplies of raw material to make enough niacin to cover all requirements. Amendment 6 was issued to avoid any hardship that might arise due to inadequate niacin supplies at the present time.

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FDO 1-1

JAN. 17, 1944



WAR FOOD ADMINISTRATION

A [FDO 1-1]
PART 1404—BAKERY PRODUCTS
FURNISHING OF EQUIPMENT

Pursuant to the authority vested in me under Food Distribution Order No. 1, as amended (8 F.R. 16777), it is hereby ordered as follows:

§ 1404.2 *Items exempt from the prohibition against the furnishing of equipment.* (a) In accordance with (i) (3) of Food Distribution Order No. 1, *supra*, the following items are designated as exempt from the prohibition contained in (i) against the furnishing of equipment by bakers or other sellers or distributors of bakery products:

Pencils;
Sun Visors;
Honor Plaques;
Calendars provided thermometers, barometers, or mirrors are not attached thereto;
Paper used to cover shelves of racks and stands;
Memoranda Pads;
Outdoor Bread Boxes for the baker's exclusive use;
Window Dressing equipment when used by the baker to display his bakery products;
Bakers' advertisements painted on walls inside or outside the premises. Such advertising may include the name of the customer.

This order shall become effective at 12:01 a. m., e. w. t., January 18, 1944.

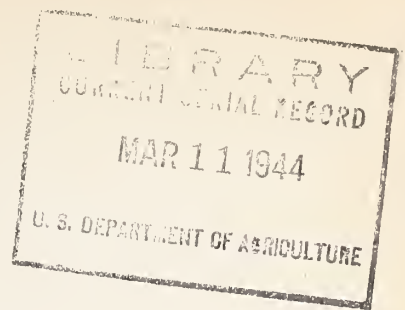
(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3867; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; FDO 1, 8 F.R. 16777)

Issued this 17th day of January 1944.

C. W. KITCHEN,
Acting Director of Food Distribution.

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WAR FOOD ADMINISTRATION
Food Distribution Administration
Washington 25, D. C.

December 1943

BAKERY PRODUCTS

Food Distribution Order 1

Amendment 5

Questions and Answers

(Supplement to F. & A. on FDO 1, issued in January, June, and July 1943)

This statement prepared for general distribution is intended to supply the answers to some questions raised by the public generally. For additional information, write to Order Administrator or one of the Food Distribution Administration regional offices located at Atlanta, Ga.; Chicago, Ill.; Dallas, Tex.; New York, N. Y.; or San Francisco, Calif.

Summary

Since January 1943 only commercially baked white bread has been required to be enriched under Food Distribution Order 1. Restaurants and other public eating places are not subject to the order. Amendment 5 to Food Distribution Order 1, effective January 16, 1944, extends the bread enrichment program by requiring that all types of yeast-raised bakery products (except biscuits and crackers) made by commercial bakeries, be enriched to the extent that white flour is used. Such products include all types of bread, coffee cakes, sweet buns, and plain rolls which are yeast-raised, and, also, doughnuts, crullers, and fried cakes which are not yeast-raised.

In order to conserve bakery products consumers and commercial buyers of bakery products may not return, for any reason, bakery products which they have purchased. The amendment provides for changes in variety restrictions, the giving of samples and gifts, and the supplying of display equipment. Ingredient provisions applicable to sugar and shortening are also simplified under the amendment.

1.-Do the provisions of the order pertaining to restrictions on the use of sugar, milk, and shortening heretofore applicable to white bread only, now apply to all types of bread?

A.-Yes. They now apply to all types of bread, including imported bread offered for sale in the United States.

2.Q- That bakery products must not be enriched?

A-All yeast-raised bakery products, including those that are imported and offered for sale in the United States, such as all types of bread, plain rolls, coffee cakes, sweet rolls, etc., and non-yeast-raised doughnuts, crullers, and fried cakes, must be enriched to the extent that white flour is used. Commercially processed bisuits and crackers need not be enriched.

3.Q- What change has been made in the status of sliced and unsliced bread as to varieties?

A-The same loaf shall no longer be considered as separate varieties when sold in both sliced and unsliced forms, nor will thickness of slice constitute a separate variety.

4.Q- What changes have been made in the restrictions with respect to varieties of bread and rolls that a baker may make?

A-Bakers may now make and sell from any one bakery a total of only 20 varieties of bread and 12 varieties of rolls in any 1 week, to all purchasers, except pursuant to specific authorization.

5.Q- Under what circumstances will consideration be given to granting an exception to the variety restrictions?

A-A baker may file with the Order Administrator of the Food Distribution Administration, Washington, D. C., a petition for permission to make more varieties than the order provides for if he considers that the restrictions impose an unreasonable and exceptional hardship on him. Petitions should include the following information:

1. An itemized list of the highest number of varieties of bread and rolls made in any 1 week during the period from September 1, 1943, to December 1, 1943.
2. The different classes of outlets served.
3. The need for relief, based on operating experience since January 18, 1943.
4. A list of varieties of bread and rolls being petitioned for under Amendment 5.

On receipt of this information, the petition will receive careful consideration. The petition should be filed as soon as possible after issuance of the order so that it may be given consideration and a decision reached prior to the effective date, January 13, 1944.

6.Q-Has any change been made in restrictions on sales of varieties to private institutions?

A-Yes. All the varieties a baker is permitted to make may now be sold to private hospitals, schools, or institutions without being considered an additional variety.

7.Q-Are there any restrictions on the number of varieties of machine-molded and hand-molded bread a baker may make when computing the number of varieties he is permitted to sell?

A-No. However, his total number of varieties of bread may not exceed 20.

8.Q-Is a baker restricted to the number of varieties of bread and rolls he made in the first week of December 1942?

A-No. That restriction no longer prevails.

9.Q-What restrictions does the order place upon the number of varieties of white pan bread a baker may make?

A-A baker may produce white pan bread up to the total number of varieties of bread he is permitted to make, but his total number of varieties may not exceed 20.

10.Q-In case a baker has more than one bakery what is the basis of computing the number of varieties he may make?

A-In determining the number of varieties such a baker may make, each bakery should be considered as a separate unit.

11.Q-What variety or varieties of bread baked in bread pans may be twisted?

A-"Chalah" (or variations of that name) ritual bread containing eggs may be twisted and baked in bread pans.

12.Q-Does this order prohibit twisting of bread that is baked on the hearth?

A- No. This prohibition applies only to twisted bread baked in a pan.

13.Q-Are bakers permitted to cross pan hand-molded bread?

A-Yes. The prohibition applies only to pieces cut from a dough after passing through a molder.

14.Q-Is there any exception to the provision prohibiting the giving of bread or other bakery products free to any person?

A-Yes. Bread or other bakery products may now be given to charitable institutions.

15.Q-May a baker make a present of holiday cake to any person?

A-Holiday cakes are bakery products and, therefore, may not be given as presents by bakers, except to charitable institutions.

16.Q-What equipment may a baker now furnish to his customers?

A-A baker may furnish his customers with cardboard counter display stands not larger than 24 x 18 x 18 inches, small individual covers for containers which are required by law or ordinance, and such other items as may be designated by the Director.

17.Q-How does Amendment 5 affect the use of shortening?

A-The provision no longer requires that the fat content of whole milk or high fat soya flour be included as a part of the fat content used. However, fats or oils present in shortening substitutes or extenders and fats or oils added to any other ingredient must be included in the calculation of the fat content of a formula.

18.Q-Is sugar present in raisins or other fruits to be included as part of the sugar used?

A-Sugar present in raisins or other fruits used in bread need not be included in the calculation of the sugar content of a formula.

19.Q-Does the order restrict bread to a minimum weight?

A-The order establishes no minimum weight for bread.

20.Q-What discounts are permitted under this amendment?

A-Discounts based upon quantities, cash payments, or reasonable customer classifications which are openly made known to all customers and equally available to all who fall within their terms?

21.Q-May an independent distributor furnish racks, stands, and other equipment?

A-No. The order, as amended, prohibits sellers of bakery products, as well as bakers, from furnishing racks, stands, and other equipment.

FOOD DISTRIBUTION ADMINISTRATION REGIONAL ORGANIZATION

NORTHEAST: Connecticut, Del., D. C., Maine, Md., Mass., N. H., N. J., N.Y.,
Pa., R. I., Vt., and W. Va.
Regional office: 150 Broadway, New York, N. Y.

SOUTHERN: Ala., Fla., Ga., Ky., Miss., N. C., S. C., Tenn., and Va.
Regional office: Western Union Bldg., Atlanta, Ga.

MID WEST: Ill., Ind., Iowa, Mich., Minn., Mo., Nebr., N. D., Ohio, S. D.,
and Wis.
Regional office: 5 South Wabash Avenue, Chicago, Ill.
Ark., Colo., Kansas, La., N. Mex., Okla., and Texas.
Regional office: 425 Wilson Bldg., Dallas, Texas

WESTERN: Ariz., Calif., Idaho, Nev., Mont., Ore., Utah, Wash., Wyo.,
Territory of Hawaii.
Regional office: 321 Market Street, San Francisco, Calif.

